

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

CROWELL A. LISENBY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: <b>2:07-CV-1109-WKW</b>
	)	
DR. JAMES B. PEAKE, in his official	)	
capacity as Secretary of Veterans Affairs <sup>1</sup> )	)	
	)	
Defendant.	)	

**REPORT OF PARTIES' PLANNING MEETING**

1. **Appearances.** Pursuant to Fed. R. Civ. P. 26(f), the parties identified herein conferred on April 11 and 14, 2008:  
  
Keith Anderson Nelms  
Attorney for Plaintiff  
  
R. Randolph Neeley  
Office of the United States Attorney  
Attorney for Defendant
2. **Pre-Discovery Disclosures.** The parties will exchange by May 5, 2008, the information required by Fed. R. Civ. P. 26(a)(1).
3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:
  - a. Discovery will be needed on the following subjects:
    1. All information pertaining to Plaintiff's claims and damages.
    2. All information pertaining to Defendants' defenses.

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<sup>1</sup> On December 20, 2007, Dr. James B. Peake was sworn in as Secretary of Veterans Affairs. Pursuant to Rule 25(d), Federal Rules of Civil Procedure, Secretary Peake is due to be substituted for Acting Secretary Mansfield.

- b. All discovery commenced in time to be completed by March 16, 2009.
- c. There will be a maximum of 25 interrogatories by each party to any other party. The responses will be due 30 days after service.
- d. There will be a maximum of 30 requests for production of documents by each party to any other party. The responses will be due 30 days after service.
- e. There will be a maximum of 25 requests for admission by each party to any other party. Responses will be due 30 days after service.
- f. The parties agree that no more than 10 depositions may be taken by a party without leave of the court or agreement of the parties. Each deposition is limited to a maximum of 7 hours unless extended by agreement of the parties.
- g. Reports from retained experts under Rule 26(a)(2) will be due from Plaintiff by September 15, 2008 and from Defendant by November 15, 2008.
- h. Supplementation of the disclosures under Rule 26(e) will be due within 30 days before the end of the discovery period.

4. **Other items.**

- a. **Scheduling Conference**  
The parties do not request a conference with the court before entry of the scheduling order.
- b. **Pretrial Conference**  
The parties request a pretrial conference in late March, 2009.
- c. **Additional Parties, Claims and Defenses**  
The parties must join additional parties and amend the pleadings by August 1, 2008.
- d. **Dispositive Motions**  
All potentially dispositive motions should be filed by December 17, 2008.
- e. **Settlement**  
Settlement and the possibility of mediation cannot be evaluated until some discovery is complete.
- f. **Trial Evidence**  
The final list of witnesses and trial evidence under Rule 26(a)(3) should be due three weeks before trial. The parties should have 10 days after service to list objections under Rule 26(a)(3).

g. **Trial Date**

This case should be ready for trial by April 27, 2009, and at this time is expected to take approximately 3 days of trial time.

I hereby certify that both parties agree that the foregoing be submitted electronically to the Clerk of the Court by defendant on this 14<sup>th</sup> day of April, 2008.

LEURA G. CANARY  
UNITED STATES ATTORNEY

s/K. Anderson Nelms  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 14, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Plaintiff's attorney, K. Anderson Nelms, Esquire.

s/R. Randolph Neeley  
Assistant United States Attorney